

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 8 and 13 are requested to be cancelled.

Claims 1-7, 9-12 and 14-18 are currently being amended.

Claim 21 is being added.

This amendment adds, changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7, 9-12, 14-21 are now pending in this application.

### **Claim Rejections and Objections**

In section 3 of the Office Action, claims 1-5, 8-12, 19, and 20 were rejected under 35 U.S.C. § 102(b) as anticipated by JP 7-159076. In section 5 of the Office Action, claim 6 was rejected under 35 U.S.C. § 103(a) as obvious over JP 7-159076 in view of Jamison. In section 6 of the Office Action, claims 7 and 13-17 were rejected under 35 U.S.C. § 103(a) as obvious over JP 7-159076 in view of JP 7-159074. In section 8 of the Office Action, claim 18 was objected to as depending from a rejected base claim, but it was noted that claim 18 would be allowable if rewritten in independent form.

With this amendment, claim 1 has been amended to recite all the subject matter of dependent claim 13, and claim 13 has been cancelled. Accordingly, Applicants respectfully submit that claim 1 is free of the rejection under § 102, for at least the reason that it includes the subject matter of claim 13, which was so rejected.

Any application to amended claim 1 of the rejection under 35 U.S.C. § 103(a) as obvious over JP 7-159076 in view of JP 7-159074 is believed to be inappropriate for at least the following reasons.

First, there is no basis suggesting a combination of the two references, each of which is directed to a very distinct and different kind of stacked heat exchanger design. A person of ordinary skill in the art would not have any reason to modify the design of the primary reference by borrowing structural features of the secondary reference. To do so would, in addition, completely change the structure and mode of operation of the primary reference.

Further, even if the references were somehow combined, the claimed invention would not be produced. The secondary reference does not teach any structure in which either plate in a pair of plates has a lateral flange that is directed toward the adjacent pair of plates and provides a solder surface for cooperating with at least one of the plates of the adjacent pair to close up the lateral sides of the heat exchanger block, i.e. the passages for the second fluid. It is evident that both of the references are designed to be placed inside of a separate outer shell.

Thus, it is respectfully submitted that independent claim 1 and all of the remaining claims, which depend directly or ultimately from claim 1, patentably distinguish over the cited art.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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